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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/783,281 | 02/20/2004 | Ki Bong Kang | ABC-00501 | 7608 |

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| EXAMINER | |
|---|---|
| PATEL, AJIT | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2616 | |

DATE MAILED: 10/05/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/783,281 | KANG, KI BONG | |
| | Examiner | Art Unit | |
| | AJIT G. PATEL | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *12 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6 and 8-24* is/are rejected.

7)☒ Claim(s) *4,7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3,5,6, and 8-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yun et al. (6,842,836) in view of Ketcham (6,363,429).

For Claims 1-3,5,6, and 8-24, Yun et al. disclose a system/method comprising computing an packet size (see water mark level in figure 4); and adjusting an amount of data to be transmitted per unit of time based on the packet size (see boxes 408 and 410 in figure 4);
wherein the amount of data to be transmitted per unit of time is dynamically adjusted (see decreased rate or increased rate in boxes 408 and 410 in figure 4);
wherein the amount of data to be transmitted per unit of time is based on a processing speed of an access point (see column 7 lines 1-10);
means for computing an packet size (see water mark level in figure 4); and means for adjusting an amount of data to be transmitted per unit of time based on the packet size(see boxes 408 and 410 in figure 4);
wherein the amount of data to be transmitted per unit of time is dynamically adjusted (see decreased rate or increased rate in boxes 408 and 410 in figure 4);

wherein the amount of data to be transmitted per unit of time is based on a processing speed of an access point (see box 406 in figure 4) ;

dynamically adjusting an amount of data to be transmitted per unit of time based on the average packet size, wherein the average packet size is dynamically changed, such that when an incoming packet is greater than the average packet size the amount of data to be transmitted per unit of time increases, and when the incoming packet is less the average packet size the amount of data to be transmitted per unit of time decreases(see decreased rate or increased rate in boxes 408 and 410 in figure 4);

wherein a switch adjusts the amount of data to be transmitted per unit of time.

wherein the amount of data to be transmitted per unit of time is based on a processing speed of an access point;

wherein the amount of data to be transmitted per unit of time is based on the processing speed of the access point and the packet size(see column 7 lines 1-10) ;

wherein the processing speed of the access point is predetermined;

means for computing an packet size; and

means for dynamically adjusting an amount of data to be transmitted per unit of time based on the packet size, wherein the packet size is dynamically changed, such that when an incoming packet is greater than the average packet size the amount of data to be transmitted per unit of time increases, and when the incoming packet is less than the packet size the

amount of data to be transmitted per unit of time decreases(see decreased rate or increased rate in boxes 408 and 410 in figure 4);
wherein a switch adjusts the amount of data to be transmitted per unit of time;
wherein the amount of data to be transmitted per unit of time is based on a processing speed of an access point(see box 406 in figure 4); and
wherein the processing speed of the access point is predetermined(see box 406 in figure 4) ; and wherein the data is transmitted to a wireless selected from a group consisting of PDA (see box 100 in figure 50).

For Claims 1-3,5,6, and 8-24 , Yun et al. disclose all the subject matter of the claimed invention with the step of determining an average size of packets in a communications network. Ketcham from the same or similar fields of endeavor teaches a provision of the step of determining an average size of packets (see column 5 line 30). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the step of determining an average size of packets as taught by Ketcham in the communications network of Yun et al.

The step of determining an average size of packets can be implemented/modified into the network of Yun et al. since it does teach the packet size . The motivation for using the step of determining an average size of packets as taught by Ketcham into the communications network of Yun et al. being that it provides the system more reliable since it detects congestion and prevents the system break down.

2. Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Applicant's arguments filed 7/12/2006 have been fully considered but they are not persuasive. The applicant argued that Yun fails to disclose technology of a network appliance in relation to an access point. However, the above limitation is disclosed in col. 7 lines 1-10. The applicant further argued that Yun fails to disclose adjusting the rare. However, the above limitation is disclosed in 408,410 of fig. 4.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY-SATURDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AP

Ajit Patel
Primary Examiner